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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,270	08/20/2004	Herman Petrus Van Der Kall	NL 020151	5515

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BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,270	<b>Applicant(s)</b> VAN DER KALL ET AL.	
	<b>Examiner</b> Gautam R. Patel	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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### **DETAILED ACTION**

1. Claims 1-15 are pending for the examination.

#### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

#### **Arrangement of the Specification**

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821 (c)),

and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001).

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS).

(i) DETAILED DESCRIPTION OF THE INVENTION.

j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP j 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### Drawings/Objection

4. The drawings are objected for following reasons:

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the steps of** “measuring at least one parameter; applying electrical power; measuring light intensity; controlling electrical power; measuring at least one parameter and determining operational temperature” among many other steps must be shown or the features cancelled from the claims.

#### **No new matter should be entered.**

Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of following:

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment, and may be *accompanied by a marked-up copy of one or more of the figures being amended, with annotations*. Any replacement drawing sheet *must be identified in the top margin as “Replacement Sheet”* and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. *Any marked-up (annotated) copy showing changes must be labeled “Annotated Marked-up Drawings” and accompany the replacement sheet in the amendment (e.g., as an appendix).*

a proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Correction may not be held in abeyance.

Corrections are required.

### Objection to Specification

5. The disclosure is objected for following reasons.

Specification needs to be updated with respect to information on the related applications. Cross-References to Related Applications: See 37 C.F.R. § 1.78 and section 201.11 of the M.P.E.P.

This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

Applicant is reminded of the *proper language* and *format* of an Abstract of the Disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the **range of 50 to 150 words**. It is important that the **abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," *etc.*

In the present Application, in the abstract the invention itself is not described. Abstract is vague and too short.

Corrections are required.

### **IMPROPER DEPENDENT CLAIM**

6. Claims 7-8 and 14-15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims are multiple dependent depending upon another multiple dependent claims, making them improper.

Corrections are required.

### **Claim Rejections - 35 U.S.C. § 112**

7. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 and 14-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7-8 and 14-15, are confusing and unclear and indefinite. Improper dependence and also trying to claim other claims subject matter improperly underneath these claims make them indefinite and confusing.

### **Claim Rejections - 35 U.S.C. § 102**

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 9-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Birecki et al., US. patent 5,189,649 (hereafter Birecki).

As to claim 1, Birecki discloses the invention as claimed [see Figs. 1-3] including measuring one parameter, comprising the steps of:

measuring at least one electrical parameter [threshold temperature] indicative of the work point (W) of said semi-conductor laser (col. 6, lines 31-64).

9. The aforementioned claim 2, recites the following steps, inter alia, disclosed in Birecki:

applying electrical power to said semi-conductor laser device; measuring a light intensity (temperature measurement indirectly measures intensity of light) of a laser beam generated by said semi-conductor laser device (20); controlling said electrical power such that said light intensity remains constant; measuring at least one electrical parameter indicative of the work point [threshold temperature] of said semi-conductor laser; and determining said operational temperature on the basis of a predetermined relationship between said work point on the one hand and said operational temperature on the other hand [col. 6, lines 31-64].

10. The aforementioned claim 3, recites the following steps, inter alia, disclosed in Birecki:

applying electrical power to said semi-conductor laser device; measuring a light intensity of a laser beam generated by said semi-conductor laser device; controlling said electrical power such that said light intensity remains constant; measuring at least one electrical parameter indicative of the work point of said semi-conductor laser; and

taking temperature reducing steps if the measured value of said at least one electrical parameter indicates that the operational temperature of the laser device has reached a predetermined critical temperature [col. 6, lines 31-64].

11. The aforementioned claim 4, recites the following steps, inter alia, disclosed in Birecki:

a plurality of electrical parameters indicative of the work point of said semi-conductor laser are measured; and wherein temperature reducing steps are taken if at least one of said plurality of electrical parameters indicates that the operational temperature of the laser device has reached a predetermined critical temperature [col. 6, lines 31-64].

12. The aforementioned claim 5, recites the following steps, inter alia, disclosed in Birecki: an electrical parameter is compared with a predetermined parameter level [col. 6, lines 31-64].

13. The aforementioned claim 6, recites the following steps, inter alia, disclosed in Birecki: said electrical parameter is measured at a certain known temperature, this measured value being taken as zero value; wherein said electrical parameter is measured during operation of the disc drive to yield an actual value; and wherein the difference between the actual value of said electrical parameter and said zero value is compared with a predetermined threshold [col. 6, lines 31-64].

14. The aforementioned claim 9, recites the following steps, inter alia, disclosed in Birecki: a disc drive motor (inherently present when disc is rotating) for rotating an optical disc; a laser device for generating a laser beam; a control unit controlling the disc drive motor and the laser device; wherein the control unit is designed to monitor at least one electrical parameter indicative of the work point of a semi-conductor laser of said laser device, and to take temperature affecting steps in dependency of said at least one electrical parameter [col. 6, lines 31-64].

15. The aforementioned claim 10, recites the following steps, inter alia, disclosed in Birecki: the control unit (5) is designed to control the rotational speed of said disc drive motor (2) in dependency of said at least one electrical parameter [col. 6, lines 31-64].

16. The aforementioned claim 11, recites the following steps, inter alia, disclosed in Birecki: a light intensity sensor coupled to an input of the control unit, disposed to receive at least a portion of the laser beam generated by the semi-conductor laser and designed to generate a

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measuring signal representative of the light intensity of said laser beam; the control unit being designed to control said semi-conductor laser such as to maintain a constant laser beam intensity [col. 6, lines 31-64].

17. The aforementioned claim 12, recites the following steps, inter alia, disclosed in Birecki: said at least one electrical parameter comprises an output voltage of the control unit [col. 6, lines 31-64].

18. The aforementioned claim 13, recites the following steps, inter alia, disclosed in Birecki: said at least one electrical parameter comprises the difference between the actual value of an output voltage of the control unit (5) and a zero value of said output voltage of the control unit measured at a certain known temperature [col. 6, lines 31-64].

#### **ALTERNATE REJECTION**

19. Claims 1-6 and 9-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fukumoto et al., US. patent 5,335,213 (hereafter Fukumoto).

Fukumoto clearly disclose the concept of controlling the intensity of the diode on the basis of the linear velocity of the disc [col. 11, lines 1-13; col. 17, line 59 to col. 18, line 2 and figs. 4, 9 and 11].

NOTE: Fukumoto also discloses all the normal apparatus that are associated with a disc drive.

20. A search based on the best understanding of the claims has been made to find the most pertinent art, but no statement about invention will be appropriate at this time regarding the allowableness of claims 7-8 and 14-15 and no art rejection will be made in this office action regarding the claims 7-8 and 14-15, due to the speculation required to interpret the claims because of their indefiniteness under 35 U.S.C. 112, 1st and 2nd paragraphs as noted above (see In re Steele, 134 USPQ 292).

#### **Possible Allowable Subject Matter**



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21. Some claims may have possible allowable subject matter. The Applicants are encouraged to call the Examiner if they wish.

**Other prior art cited**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Akahori (US. Patent 5386408)

**Contact information**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



**GAUTAM R. PATEL**  
**PRIMARY PATENT EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2627

October 19, 2007